

REMARKS

This amendment is submitted to further respond to the Final Office Action dated November 27, 2007. Specifically, the specification has been amended at paragraph [0023] to further define "computer readable medium" to establish that the instructions are being stored in a storage medium as opposed to being incorporated in a transmission or communication medium. The term "store" was originally presented in the application at paragraph [0023] and is now re-presented. Paragraph [0023] is further edited to eliminate reference to communication or transmission to be included in the definition of computer readable medium.

The claims are further edited to recite a speedier and more efficient manner of processing of pixel values by performing a frequency domain transform on frames of pixel values in a time domain signal. The claims now clearly recite that the data is transformed by decomposing the signals, performing a transform on the signals, frequency domain scaling the sequence of signals and then composing the signals. As disclosed in the specification, this transformation significantly reduces processing time when processing of the pixel values. Such enhanced computer efficiency by transformation of data has specifically been held patentable under 35 USC §101 *In re Lowry*, 32F 3rd 1579 (Fed Circuit 1994).

The claims to computer apparatus configured to perform the operations described constitute clearly statutory subject matter as spelled out in MPEP 2106.01(I).


It is recognized that computer programs are often recited as part of a claim, but the claim remains statutory if the program as claimed as part of an otherwise statutory manufacture or machine such as a computer. Claims of this type remain statutory irrespective of the fact that a computer program is included in the claim. The MPEP in the same section expressly directs that when a computer program is recited in conjunction with a physical structure, the claim is treated as a product claim and comprises patentable subject matter.

Similarly, the claims to a computer readable medium, where the computer readable medium is properly defined, have expressly been held to comprise patentable subject matter (see MPEP 2106.01). The official Gazette in the notice of November 22,

2005, expressly held that when functional steps are recorded on computer readable medium, the steps become structurally and functionally interrelated in the medium and are therefore statutory.

In view of these instructions to the examining core, reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,



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